



June 26, 2015

Texas Commission on Environmental Quality  
Attn: Mr. Stephen Ellis ([stellis@tceq.state.tx.us](mailto:stellis@tceq.state.tx.us))  
12100 Park 35 Circle  
Austin, TX 78753

Environmental Protection Agency, Region VI  
Attn: Mr. Donn Walters ([walters.donn@epa.gov](mailto:walters.donn@epa.gov))  
1445 Ross Avenue  
Dallas, TX 75202

Subject: SWG-2013-00799; Work adjacent to the San Jacinto River within the San Jacinto River Waste Pit Area of Concern, 16828 Market Street, Channelview, Harris County, Texas

Mr. Ellis & Walters,

Russell Marine, operating under USACOE Nationwide permit 13, stabilized less than 500 linear feet of bank at the above referenced property. The bank was severely eroded and continued to erode with adverse effects to our property and adding sediment to the surrounding aquatic environment. The Nationwide 13 permit states:

*13. Bank Stabilization. Bank stabilization activities necessary for erosion prevention, provided the activity meets all of the following criteria:*

- (a) No material is placed in excess of the minimum needed for erosion protection;
- (b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;
- (c) The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;
- (d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;
- (e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;
- (f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and tree tops may be used in low energy areas); and,
- (g) The activity is not a stream channelization activity.

This NWP also authorizes temporary structures, fills, and work necessary to construct the bank stabilization activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures,

work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate. Invasive plant species shall not be used for bioengineering or vegetative bank stabilization.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) involves discharges into special aquatic sites; or (2) is in excess of 500 feet in length; or (3) will involve the discharge of greater than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or the high tide line. (See general condition 31.) (Sections 10 and 404)

The USACE has brought to our attention that this action was located in the San Jacinto Waste Pits Identified Area of Concern. Russell Marine was unaware of this classification and the requirements posted by the USACE Public Announcement – 6 July 2010, when we purchased this land and executed this repair. Please take this as your notification that we have installed less than 500 LF of shoreline protection on our property under the NW13. Please note NO dredging took place.

Please see photo below of the work being constructed:



Please note the erosion of the shoreline, west of the stabilized area is eroding at a critical rate, due to increased barge and tug traffic adjacent to the property and the recent heavy rains and wind action. We are requesting for the additional length of 200 LF be added to the shoreline. Please take this as your notification that we will be executing this work. Note, NO dredging will take place.

If you have any further questions, please feel free to contact me directly at 281-860-0011.

Sincerely,

Robert Andrews  
Vice President

CC:  
Mr. Kenny Janes  
Chief, Compliance Branch  
Department of the Army  
P.O. Box 1229  
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